

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Noble Shaheed Allah-El,	:	
Plaintiff	:	Civil Action 2:05-cv-447
v.	:	Judge Marbley
State of Ohio ,	:	Magistrate Judge Abel
Defendant	:	

**ORDER**

The complaint alleges that a court order was issued by the State of Ohio and its collection agency Ohio S.S.P.C. to garnish plaintiff's wages. Plaintiff sought an order from this court countermanding the garnishment order. This matter is before the Court on plaintiff's August 10, 2005 motion to proceed on appeal *in forma pauperis*.

The Court determines that plaintiff is financially indigent. The Court must next determine whether the appeal is taken in good faith. 28 U.S.C. §1915(a)(3). *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997); *Floyd v. United States Postal Service*, 105 F.3d 274, 277-79 (6th Cir. 1997). An appeal is taken in good faith if it raises "any issue not frivolous." *Coppedge v. United States*, 369 U.S. 438, 445 (1982). A complaint is frivolous when plaintiff "cannot make any claims with a rational or arguable basis in law or in fact." *Lawler v. Marshall*, 898 F.2d 1196 (6th Cir. 1990). *See also, Neitzke v. Williams*, 490 U.S. 319 (1989).

For the reasons stated in this Court's June 15, 2005 Order dismissing this case on initial screening, there is no merit to plaintiff's claims. The appeal is frivolous. 28 U.S.C. §1915(a)(3).

Accordingly, the application for leave to appeal *in forma pauperis* is **DENIED**.

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s/Algenon L. Marbley  
Algenon L. Marbley, Judge  
United States District Court